

## **REMARKS**

Applicant respectfully requests reconsideration of the present application. At the time the Examiner mailed the Office Action claims 28-35, 37-44 and 55-58 were pending. By way of the present response, Applicant has amended claim 28 in order to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. No claims have been cancelled and no new claims have been added. As such, claims 28-35, 37-44 and 55-58 are now pending. No new matter has been added.

### **Drawings Objections**

The Examiner has objected the drawings under 37 CFR 1.84(p) because reference character “50” has been used to designate both the coil and the distal segment in paragraph [0044]. In view of the amendments made to paragraph [0044], Applicant respectfully submits that the drawings are in compliance with 37 CFR 1.84(p).

### **Claim Rejections - 35 U.S.C. § 103**

The Examiner has rejected claims 28-35, 37-44 and 56-58 under 35 U.S.C. § 103(a) as being unpatentable over *Saadat et al.*, (U.S. Patent No. 5,935,137) in view of *Berhow et al.* (U.S. Publication No. 2003/0135198). The Examiner has rejected claim 55 under 35 U.S.C. § 103(a) as being unpatentable over *Saadat et al.*, in view of *Berhow et al.* as applied to Claim 28, and further in view of *Shepherd et al.* (U.S. Patent No. 3,566,874).

Applicant teaches and claims in amended independent claim 28 a system for delivering a contraceptive device within a fallopian tube, the system comprising, *inter alia*, “at least one coil disposed along the catheter body and encircling the lumen, wherein the whole of the coil is disposed nearer the distal end of the catheter body than the proximal end of the catheter body.” Support for the amendment can be found in at least FIG. 4 of the application.

It is Applicant's understanding that *Saadat et al.* discloses a tubular fallopian sterilization device. As acknowledged by the Examiner, *Saadat et al.* does not disclose or suggest a coil disposed nearer the distal end of the catheter body than the proximal end of the catheter body as is taught and claimed by Applicant in independent claim 28.

It is Applicant's understanding that *Berhow et al.* discloses, and as acknowledged by the Examiner, a medical catheter (10) having a coil (16) which extends along the length of the catheter from the distal end (13) to the proximal end (12). Thus, the whole of the coil (16) is not disposed nearer the distal end of the catheter body than the proximal end of the catheter body as is taught and claimed by Applicant in independent claim 28.

It is Applicant's understanding that *Shepherd et al.* discloses catheters provided with a coating of a hydrophilic acrylate or methacrylate polymer. Applicant respectfully submits that *Shepherd et al.* fails to remedy the deficiencies of *Saadat et al.* and *Berhow et al.* discussed above.

Claims 29-35, 37-44 and 56-58 depend directly upon independent claim 28 and are patentable for at least the same reasons. In view of the foregoing amendment and remarks, Applicant respectfully submits that the pending claims are in condition for allowance and requests the withdrawal of the rejections of claims 28-35, 37-44 and 56-58 under 35 U.S.C. § 103(a).

Please charge any shortages and credit any overages to Deposit Account No. 02-2666.

Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

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Dated: October 2, 2009

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